

UNITED STATES DISTRICT COURT
CLARK COUNTY, NEVADA

STEVEN JOHNSON,

CASE NO: 2:18-cv-01381-RFB-PAL

Plaintiff,

v.

HOOTERS, INC., HOOTERS CASINO
HOTEL, HOOTERS OF AMERICA, LLC.,
NAVEGANTE GROUP, INC., TRINITY
HOTEL INVESTORS, LLC, and DOES 1 to 50.

Defendant(s)

/

PLAINTIFF'S MOTION FOR EXTENSION OF TIME
TO SERVE DEFENDANTS

NOW COMES plaintiff, STEVEN JOHNSON, by and through his undersigned counsel and pursuant to Rules 6(b) and 27(a)(1) of the Federal Rules of Civil Procedure, and moves this Court for an extension of time, up to and including 21 days after the entry of this Court's order, to serve Navegante Group, Inc ("Navegante"), the only named defendant in this matter who has yet to be served. All Defendants collectively shall be referred to as the "Defendants". In support of this motion, Plaintiff shows unto the Court the following:

1. On or around July 26, 2018, the Plaintiff initiated the above-captioned action against the Defendants when he filed his Complaint in this Court commencing this action.

2. After failing to resolve this matter in lieu of litigation and due to an administrative error, Plaintiff filed a Motion for Extension of Time to Serve Defendants, which was effectively a motion to serve defendants outside of time. *See* [DE 7].

3. This was Plaintiff's first request for any extension of time to serve the Defendants.

4. On January 9, 2019, this Court entered an Order granting Plaintiff's motion and

provided Plaintiff until January 17, 2019, to serve the summons and complaint on all named Defendants. *See* [DE 8].

5. Plaintiff had already identified the process servers and agents of service for each of the named Defendants, each of whom are corporate entities. *See* [DE 7-1].

6. The same day Plaintiff received this Court's order [DE 8], the undersigned contacted each of the process servers identified in [DE 7-1] to make arrangements to serve the summons and complaint on the Defendants.

7. Defendant, Trinity Hotel Investors, LLC, was served on January 11, 2019. *See* [DE 15].

8. Defendant, Hooters of America, LLC, was served on January 16, 2019. *See* [DE 18].

9. Defendant, Hooters, Inc., was served on January 15, 2019. *See* [DE 17].

10. A service attempt was made on Hooters Casino Hotel on January 17, 2019; however service was not effected due to the fact that the summons did not reflect the name of its parent company. *See* [DE 19].

11. At this time, Plaintiff is unaware of the name of the parent company for Hooters Casino Hotel, so it should be treated as one of the DOE defendants, who will be identified and served as discovery and this case proceeds.

12. Service attempts were made on Navegante on January 17, January 18, and January 23, 2019. *See* [DE 21].

13. During each service attempt on Navegante the doors to the offices of its agent and corporate officers was locked, and according to a neighboring suite "no one is ever at [the] address". *See* [DE 21].

14. Despite exercising diligent efforts, Plaintiff has been unable to serve Navegante, but has

the ability to serve Navegante through the Nevada Secretary of State under both the Federal and Nevada rules of civil procedure.

15. All of the remaining named Defendants have been served at this point or have been determined to be DOE Defendants.

16. Plaintiff makes this motion in good-faith, and this motion is not for the purposes of needless and undue delay.

17. Furthermore, there is no prejudice to any of the Defendants should this Court grant this Motion.

18. Plaintiff, on the other hand, will be severely prejudiced if this motion is denied.

WHEREFORE, Plaintiff moves this Court for a brief extension of time, up to and including 21 days after the entry of this Court's order on this motion, to serve Navegante with a copy of the Summons and the Complaint through the Nevada Secretary of State in order for this matter to be heard in its due course and decided upon on its merits.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served on the CM/ECF filing system on this 31st day of January 2019.

Dated: January 31, 2019

s/Andrew Williams

THE WILLIAMS LAW GROUP

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IT IS SO ORDERED this 31st day of January, 2019.



Peggy A. Leen
United States Magistrate Judge